

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 ANDREA HERBERT,

5 Plaintiff,

6 v.

7 NEW CASTLE CORPORATION,

8 Defendant.

Case No. 2:17-cv-02410-APG-PAL

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING THE PLAINTIFF'S  
COMPLAINT**

(ECF No. 20)

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11 On March 8, 2018, Magistrate Judge Leen issued a report and recommendation in which  
12 she recommends that I dismiss plaintiff Andrea Herbert's complaint because Herbert has failed to  
13 respond to court orders and has not prosecuted this case. ECF No. 20. Herbert did not file an  
14 objection. Thus, I am not obligated to conduct a de novo review of the report and  
15 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo  
16 determination of those portions of the report or specified proposed findings to which objection is  
17 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the  
18 district judge must review the magistrate judge's findings and recommendations de novo *if*  
19 *objection is made*, but not otherwise" (emphasis in original)).

20 IT IS THEREFORE ORDERED that Magistrate Judge Leen's report and recommendation  
21 **(ECF No. 20) is accepted.** Plaintiff Andrea Herbert's complaint is DISMISSED with prejudice.

22 DATED this 2nd day of April, 2018.

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25 ANDREW P. GORDON  
26 UNITED STATES DISTRICT JUDGE  
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